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November 14, 2005

CERTIFICATE OF THE SECRETARY OF ENVIRONMENTAL AFFAIRS  
ON THE  
EXPANDED ENVIRONMENTAL NOTIFICATION FORM

PROJECT NAME : Blackstone River Bikeway  
PROJECT MUNICIPALITY : Worcester, Millbury, Sutton, Grafton,  
Northbridge, Uxbridge, Millville and  
Blackstone  
PROJECT WATERSHED : Blackstone  
EOEA NUMBER : 13642  
PROJECT PROPONENT : Massachusetts Highway Department in  
cooperation with the Department of  
Conservation and Recreation  
DATE NOTICED IN MONITOR : October 8, 2005

Pursuant to the Massachusetts Environmental Policy Act (G. L. c. 30, ss. 61-62H) and Section 11.06 of the MEPA regulations (301 CMR 11.00), I hereby determine that this project **requires** the preparation of a mandatory Environmental Impact Report (EIR).

### Project Description

The project entails the construction of a 28-mile bikeway through the municipalities of Worcester, Millbury, Sutton, Grafton, Northbridge, Uxbridge, Millville and Blackstone. The Massachusetts portion of the bikeway is part of a planned 48-mile bikeway that will connect Worcester with Providence, Rhode Island and form the centerpiece of the John H. Chafee Blackstone River Valley National Heritage Corridor, a congressionally-designated

Valley National Heritage Corridor, a congressionally-designated area affiliated with the National Park Service.

The Bikeway will be constructed as a combination of off-road bicycle path, on-road bicycle lane, and on-road bicycle route. The off-road portions of the Bikeway will use various corridors, such as abandoned railroads, active railroads, the historic Blackstone Canal towpath, utility corridors, and undeveloped terrain. Once constructed, individual sections of the Bikeway will be owned and maintained by either the municipality through which it passes or the Department of Conservation and Recreation (DCR).

As described below, the Blackstone River Bikeway would be constructed in six phases, with one phase previously constructed:

- Section 1 - from the Massachusetts/Rhode Island state line in Blackstone to Central Street in Millville;
- Section 2 - from Central Street in Millville to Millville Road (Route 122) in Uxbridge (this section is the subject of a Phase I Waiver Request);
- Section 3 - from Millville Road (Route 122) in Uxbridge to the Tenneco Gas Pipeline right-of-way in Northbridge;
- Section 4 - from the Tenneco Gas Pipeline right-of-way in Northbridge to the intersection of Ferry Street and Maple Avenue in Grafton;
- Section 5 - from the intersection of Ferry Street and Maple Avenue in Grafton to the completed portion of the Bikeway at the Route 146/Route 122A interchange in Millbury;
- Section 6 - which was constructed in conjunction with the Route 146 Connector Project and roughly parallels the Blackstone River Parkway (Route 146) from the Route 146/Route 122A interchange in Millbury to Quinsigamond Avenue at Brosnihan Square in Worcester; and
- Section 7 - from Quinsigamond Avenue at Brosnihan Square to Union Station at Washington Square in Worcester.

The Massachusetts Highway Department (MHD) has requested a Phase I Waiver for Section 2 and proposes to combine Sections 3, 4 and 5 into a single project to expedite the design, permitting and construction processes. Sections 1, 2 and 7 are proposed to be designed, permitted and constructed separately.

MEPA Jurisdiction and Permitting Requirements

The project is undergoing review pursuant to the following sections of the MEPA regulations:

- 11.03(1)(a)(1) - Direct alteration of 50 or more acres of land; and
- 11.03(3)(a)(1)(a) - Alteration of one or more acres of Bordering Vegetated Wetlands (BVWs).

The project may also exceed the following MEPA review thresholds related to roadway and other transportation facilities:

- 11.03(6)(b)(1)(b) - Widening of an existing roadway by four feet or more for one-half or more miles; and
- 11.03(6)(b)(1)(b) - Cutting of five or more living public shade trees of 14 or more inches in diameter at breast height.

The project will require numerous local, state and federal permits. At the local level, the project will require Orders of Conditions from the Conservation Commissions of all of the municipalities, with the exception of the City of Worcester, through which it will pass (and hence, Superseding Orders of Conditions from DEP if any local orders are appealed).

At the state level, the project will require a 401 Water Quality Certification from the Department of Environmental Protection (DEP) and may require approval by the Legislature of the Commonwealth for conversion of Article 97 land.

At the federal level, the project will require approvals under Sections 401 and 404 of the Clean Water Act; Section 106 of the National Historic Preservation Act; Section 4(f) of the Department of Transportation Act; and a National Pollutant Discharge Elimination System (NPDES) Storm Water Permit for Construction Activities from the U.S. Environmental Protection Agency (EPA). The project has received a categorical exclusion under the National Environmental Policy Act (NEPA).

Because the project is being undertaken by a state agency and will receive state funding, MEPA jurisdiction is broad and extends to all aspects of the project that have the potential to cause significant Damage to the Environment.

Request for a Phase I Waiver

The proponent has requested a Phase I waiver in order to construct Segment 2 of the Bikeway. I propose to grant the Phase I Waiver, allowing this first phase of the project to proceed to the state permitting agencies prior to completion of the Single EIR for the entire project, as detailed in a separate Draft Record Decision.

Request for a Single EIR

The proponent has submitted an Expanded ENF and requested a Single EIR for the project. Because the footprint of the Bikeway is intended to be minimal, any environmental impacts should be modest given the scale of the project. The Expanded ENF did a commendable job of describing and quantifying these impacts for the proposed Bikeway alignment. Therefore, I find that the Expanded ENF has provided sufficient information to meet the standards at 301 CMR 11.06(8) for the granting of a Single EIR. Therefore, I will allow the proponent to prepare a Single EIR for the project, the content of which is outlined in the following scope of study.

**SCOPE**General

The Single EIR should follow the general guidance for outline and content contained in Section 11.07 of the MEPA regulations, as modified by this Certificate. The Single EIR should include a copy of this Certificate and each comment letter received. The Single EIR should be circulated in compliance with Section 11.16 of the MEPA regulations and copies should be sent to those parties that submitted comments on the Expanded ENF, and to any state agencies from which the proponent will be seeking permits and approvals. Copies of the Single EIR should also be made available for public review at local public libraries.

The Expanded ENF contains preliminary information regarding potential impacts of the proposed project. In general, the Single EIR should provide detailed discussion and analysis of the

issues below, including any measures necessary to minimize or mitigate the project's impacts.

#### Project Description and Alternatives

The Single EIR should include a thorough description of the project and all project elements and construction phases. The Single EIR should briefly describe each state and local permit required for the project, and should demonstrate that the project meets any applicable performance standards.

For each segment of the project, the Single EIR should thoroughly describe and graphically depict the preferred alignment. For proposed Bikeway sections that would have significant impacts to wetlands, rare species, and/or historic and archeological resources, the Single EIR should analyze the feasibility of an alternative alignment.

#### Project Phasing and Construction

MHD should consider expediting the design and construction of Segment 7 within the City of Worcester because the proposed alignment is primarily along existing streets and is projected to result in minimal impacts to the environment. Segment 7 could be the subject of an additional Phase I Waiver and thus, could be addressed in a Notice of Project Change (NPC). Moreover, I strongly encourage MHD to coordinate with the City of Worcester and the proponent of the CitySquare project (EOEA #13535), which recently completed review under MEPA, as that project proceeds to construction to identify opportunities to extend the Bikeway route from the proposed terminus at Union Station to the Worcester Common and, thereby, compliment other transportation modes. The single EIR and/or a possible NPC should report on these consultations.

MHD should also consider the request by the Town of Millville to incorporate a segment of the proposed Bikeway alignment that is currently slated for inclusion in Segment 1, which is scheduled to be constructed last, within Segment 2, which is scheduled to be constructed first, and is the subject of the Phase I Waiver Request. If Millville's request can be

accommodated, I am amenable to its inclusion in Phase I, which could be addressed under MEPA by means of an additional NPC.

### Wetlands

According to the Expanded ENF, the project will result in the alteration of approximately 168,584 square feet of Bordering Vegetated Wetlands (BVWs), 493,800 cubic feet of Bordering Land Subject to Flooding (BLSF), 35.5 acres of Riverfront Area, and unknown areas of Bank, Land Under Water, and Isolated Land Subject to Flooding. Impacts to wetland resource areas will occur within each of the eight towns and cities that the Bikeway is proposed.

The Expanded ENF indicates that the project qualifies as a limited project under the Massachusetts Wetlands Protection Act, MGL Ch. 131 § 40 and its regulations at 310 CMR 10.00. However, under 310 CMR 10.53(6), only the impacts to Riverfront Area associated with the project would qualify as a limited project, as described at 310 CMR 10.58. Compliance with the remaining provisions of the regulations would still be required.

Because the impacts from the project as proposed on BVWs (310 CMR 10.55) alone exceed the limits established under the performance standards, the project will require a variance. In its comments, DEP indicates that because the project has significant overriding community, regional, state, and national public interests, it is eligible for review under the variance provisions at 310 CMR 10.05(10). I strongly encourage MHD to consult and work cooperatively with DEP to devise an expeditious permitting strategy for the project and to consider alternative alignments for the Bikeway that might decrease impacts to wetlands resulting from the construction of certain segments, including the segment for which a Phase I waiver is being sought.

The Single EIR should thoroughly discuss wetlands impacts and permitting for each segment of the Bikeway.

### Rare Species

Portions of the proposed Bikeway alignment are located in areas of Estimated and Priority Habitat for Endangered Species

(Arrow Clubtail) and Species of Special Concern (Wood Turtle, Spotted Turtle, and Eastern Box Turtle). In order to better evaluate potential impacts to rare species, MHD should conduct rare species habitat assessments within and immediately adjacent to the Bikeway segments indicated in NHESP's letter for those rare species where a potential "take" is at issue. Depending on the results of these assessments, NHESP may require actual surveys for rare species. MHD should consult and work cooperatively with NHESP and report on the status of these habitat assessments, any actual surveys required, and the potential need for a Conservation and Management Permit in the Single EIR.

### Historic and Archeological Resources

The project area and vicinity includes several significant historic sites and districts and archeological resources. MHD should consult and work cooperatively with the Massachusetts Historical Commission (MHC), the Blackstone River Valley National Heritage Corridor Commission, and local historical commissions to avoid, minimize and/or mitigate any impacts to historic and archeological resources. Phase I of the project (Segment 2) should not proceed to construction until potential effects to significant historical resources are determined, and consultation is undertaken to develop and implement a plan to avoid, minimize or mitigate any adverse effects. The Single EIR should report on these consultations.

MHD should also consider the DCR's comments with regard to potential adverse effects to the Blackstone River and Canal Heritage State Park, in particular the historic canal towpath.

### Bikeway Operations and Maintenance

Because the Bikeway will ultimately be owned by individual municipalities and DCR, the Single EIR should propose strategies and alternatives for an operations and maintenance plan, or agreements establishing management responsibilities. The development of an operations and maintenance plan for the Blackstone River Bikeway could facilitate the development of general approaches for all new bikeways in the state, an issue that is anticipated to be addressed in the Statewide Bicycle Network Plan to be undertaken jointly by MHD and DCR.

Responses to Comments

The Single EIR should respond to all of the substantive comments received to the extent that they are within MEPA jurisdiction. The Single EIR should present any additional narrative or quantitative analysis necessary to respond to the comments received.

Mitigation Summary and Draft Section 61 Findings

The Single EIR should include a summary of all mitigation measures to which MHD has committed. The Single EIR should contain Draft Section 61 Findings for use by the state permitting agencies that include clear commitments to implement mitigation measures, including the responsible entity and the schedule for implementation.

Conclusion

I wish to commend MHD for moving this long-awaited project forward. Once completed, the Blackstone River Bikeway will not only provide an important recreational facility, but will also serve to foster environmental appreciation, responsibility and stewardship of the Blackstone River and its environs. This project is wholly consistent with the Commonwealth's goal of fostering sustainable growth by providing an alternate transportation facility. Moreover, because the Bikeway will highlight the many important historic and cultural resources located along the corridor, the project could serve to enhance the growth of tourism and provide other economic benefits to the communities through which it will pass.

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November 14, 2005

Date



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Stephen R. Pritchard



## Comments received:

10/20/2005	East Coast Greenway
10/25/2005	White Development Corporation
10/26/2005	Town of Blackstone Historical Commission
10/31/2005	Representative George Peterson
10/31/2005	Rails to Trails Conservancy
10/31/2005	Town of Blackstone Office of the Town Planner
11/04/2005	Jack Sheehan
11/07/2005	Department of Conservation and Recreation
11/07/2005	Division of Fisheries and Wildlife Natural Heritage and Endangered Species Program
11/07/2005	Blackstone River Valley National Heritage Corridor Commission
11/07/2005	Massachusetts Historical Commission
11/07/2005	Town of Millbury Conservation Commission
11/07/2005	Town of Millville Board of Selectmen
11/07/2005	Town of Millville Historical Commission
11/07/2005	Town of Sutton Conservation Commission
11/07/2005	Town of Sutton Historical Commission
11/07/2005	Town of Sutton Planning Board
11/07/2005	Town of Uxbridge Conservation Commission
11/07/2005	Barbara Smith-Bacon, Berkeley Investments, Inc.
11/08/2005	Town of Millbury Office of the Town Manager
11/08/2005	Central Massachusetts Regional Planning Commission
11/08/2005	Town of Grafton Board of Selectmen
11/09/2005	Department of Environmental Protection Central Regional Office

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